

## CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number \_\_\_\_\_

Meeting Type: Regular

Meeting Date: 9/12/2013

Action Requested By:  
Legal

Agenda Item Type  
Resolution

Subject Matter:

Eminent domain proceedings for Parkhill Lane Project

Exact Wording for the Agenda:

Resolution authorizing the Mayor to authorize eminent domain proceedings to acquire two permanent sanitary sewer easements on, over and upon parcels of land for the Parkhill Lane Project.

**Note: If amendment, please state title and number of the original**

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

Associated Cost:

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head: 

Date: 8-27-13

Parkhill Lane  
Project  
#65-13-SS04

RESOLUTION NO. 13-\_\_\_\_\_

BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, a municipal corporation within the State of Alabama, as follows:

1. That in the judgment and opinion of the City Council of the City of Huntsville, it is in the public interest and necessary and expedient that the City of Huntsville acquire and/or condemn two (2) permanent, exclusive sanitary sewer easements on, over and upon the following described parcels of land, viz:

See Exhibits "A" and "B," which are attached hereto and incorporated herein, a copy of each being permanently kept on file in the Office of the City Clerk-Treasurer of the City of Huntsville, Alabama.

A corresponding map for the project is attached as Exhibit "C."

2. That the obtainment of the foregoing property is necessary for the Parkhill Lane Sanitary Sewer Project, Project No. 65-13-SS04, which is in the best interests of the citizens of the City of Huntsville in that the same will contribute to the health and general welfare of the citizens of Huntsville.

3. That the Mayor of the City of Huntsville, be, and he is hereby authorized, empowered and directed to cause said above described property to be appraised in accordance with Section 18-1A-21 of the Code of Alabama, as amended, to determine the amount that would constitute just compensation for its taking.

4. That the Mayor of the City of Huntsville be, and he is further authorized, empowered and directed to attempt to acquire the said above described property for said City for the aforesaid purposes at a fair and reasonable price in accordance with Section 18-1A-22 of the Code of Alabama, as amended.

5. Any prior acts taken by the administration toward the acquisition of the said property pursuant to the eminent domain code are hereby ratified.

6. That in case of failure to acquire said properties for the purposes aforesaid by purchase from the owner or owners thereof, the said Mayor is hereby authorized to engage Samuel H. Givhan, Attorney at Law, and the law firm of Wilmer & Lee, P.A., to file and conduct condemnation proceedings on behalf of the City of Huntsville for the acquisition of said properties by the exercise of the right of eminent domain.

ADOPTED this the 12th day of September, 2013.

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President of the City Council  
City of Huntsville, Alabama

APPROVED this the 12th day of September, 2013.

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Tommy Battle  
Mayor of the City of Huntsville,  
Alabama

**Easement 1 (20' Sanitary Sewer Easement) lot 19**

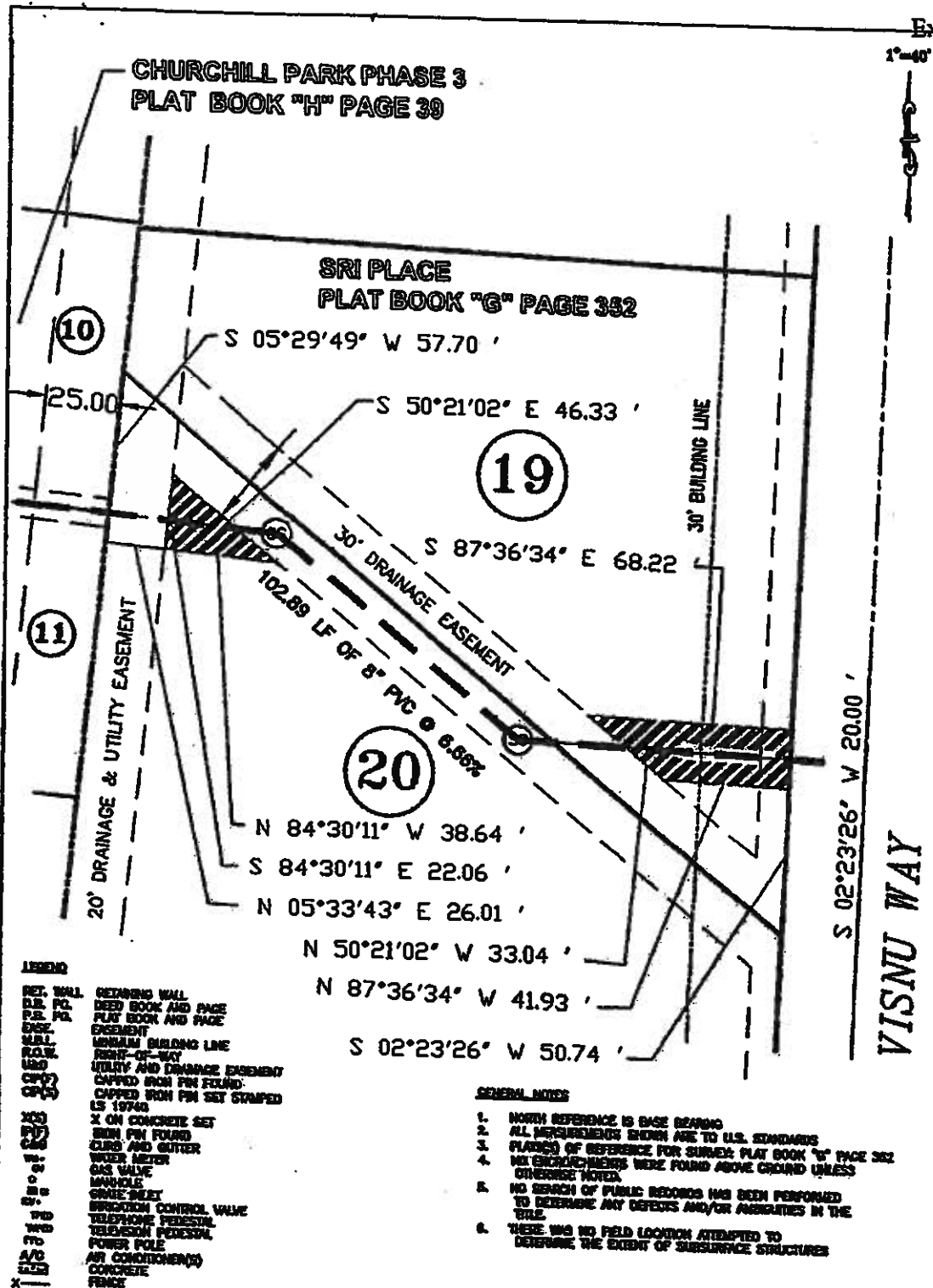
All that part of lot 19 of "SRI PLACE SUBDIVISION" as recorded in Plat book "G", page 352 in the office of the Judge of Probate, Limestone County Alabama, being more particularly described as follows:

Beginning at a point which lies North 02 degrees 23 minutes 26 seconds East, 50.74 feet from the Southeast Corner of Lot 19 of "SRI PLACE SUBDIVISION" as recorded in Plat book "G", page 352, said point being on the Right-of-way for Visnu Way; Thence from the Point of Beginning and leaving said Right-of-Way, North 87 degrees 36 minutes 34 seconds West, 41.93 feet to a point on an existing 30' drainage easement; Thence along said 30' drainage easement North 50 degrees 21 minutes 02 seconds West, 33.04 feet to a point; Thence leaving said 30' drainage easement South 87 degrees 36 minutes 34 seconds East, 68.22 feet to a point on the Right-of-Way for Visnu Way; Thence along said Right-of-Way South 02 degrees 23 minutes 26 seconds West, 20.00 feet to the Point of Beginning and containing 1101.46 square feet more or less.

**Easement 2 (Sanitary Sewer Easement) lot 20**

All that part of lot 20 of "SRI PLACE SUBDIVISION" as recorded in Plat book "G", page 352 in the office of the Judge of Probate, Limestone County Alabama, being more particularly described as follows:

Beginning at a point which lies South 05 degrees 29 minutes 49 seconds West, 57.70 feet along the Western Boundary of lot 20 of "SRI PLACE SUBDIVISION" as recorded in Plat book "G", page 352 and South 84 degrees 30 minutes 11 seconds East, 20.00 feet from the Northeast Corner of Lot 20 of "SRI PLACE SUBDIVISION" as recorded in Plat book "G", page 352, said point being on a 20' drainage and utility easement; Thence from the Point of Beginning and along said 20' drainage and utility easement, North 05 degrees 33 minutes 43 seconds East, 26.01 feet to a point on an existing 30' drainage easement; Thence along said 30' drainage easement South 50 degrees 21 minutes 02 seconds East, 46.33 feet to a point; Thence leaving said 30' drainage easement North 84 degrees 30 minutes 11 seconds West, 38.64 feet to the Point of Beginning and containing 498.60 square feet more or less.



## EASEMENT 1-2, LOT 19-20, SANITARY SEWER EASEMENT

DATE	0	DATE	1-1-07	<b>EASEMENT PLAN</b> LOT 19-20 PLAT BOOK "G" PAGE 352 IN THE OFFICE OF THE CLERK OF PUBLIC RECORDS, CHERRY COUNTY, ALABAMA	<b>LOT 19-20</b> <b>SRI PLACE</b> <b>PB "G" PAGE 352</b>	<b>MULLINS, LLC</b> ENGINEERING & SURVEYING 1111 GUNN ROAD MONTICELLO, ALABAMA 36051 205-837-0001	
REV.	01-27	REV.	001				
REV.	01-01-07	REV.	002				